

Form FOC 78

OBJECTION TO PROPOSED ORDER

Use this form if:

- you received notice to enter a proposed order regarding support, parenting time, or custody (Form FOC 54) without a hearing and you do not agree with the proposed order.

You must state your objection in writing and file it with the court within 7 days after you receive a copy of the notice (Form FOC 54). Objections should be based on good reasons - if your objection is made without grounds, is unreasonable, or is only intended to delay the entry of an order, the court can require you to pay the court costs or attorney fees to handle your objection.

OBJECTION TO PROPOSED ORDER CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU . . .

- | | | |
|----|---|------------------------------|
| 1. | Fill out all requested information on the form? | YES <input type="checkbox"/> |
| 2. | Make all necessary copies? | YES <input type="checkbox"/> |
| 3. | File the objection form with the clerk's office? | YES <input type="checkbox"/> |
| 4. | Mail a copy of the objection on the other party and on any other custodian/guardian? | YES <input type="checkbox"/> |
| 5. | Return to the clerk's office after you mailed the objection to the other party and completed the certificate of mailing? | YES <input type="checkbox"/> |
| 6. | Keep one copy of the objection form for yourself? | YES <input type="checkbox"/> |
| 7. | Give 2 copies of the completed form to the clerk of the court? | YES <input type="checkbox"/> |

You must attend the hearing on the objection.

If you cannot answer "yes" to all of the above steps, a hearing on your objection may be delayed or your objection may be dismissed.

If you have questions about any step in the process, read pages 3 and 4 for details.

INSTRUCTIONS FOR USING FORM FOC 78 OBJECTING TO A PROPOSED ORDER

»» FILING AN OBJECTION

If you receive a notice to enter order and do not agree that the proposed order conforms with the decision of the judge, you have 7 weekdays (not including holidays) from the day the notice was mailed to you to respond in writing to the other party and the court.

1. Fill out the Objection to Proposed Order form.

Use the instructions on page 6. Type or print neatly. Be careful not to make mistakes.

Make at least 5 copies of the form after you have filled it out.

2. File the objections with the county clerk.

Take the 6 copies of the form to the county clerk in the county where the proposed order was filed. The name of the county will be in the upper left-hand corner of the proposed order form. You should have the following copies when you leave the clerk's office:

- 1 Copy of FOC 78 (with any attachments) - for you
- 1 Copy of FOC 78 (with any attachments) - for the other party
- 1 Copy of FOC 78 - for proof of service to the court
- 1 Copy of FOC 78 - for proof of service to the friend of the court

»» SERVING THE OBJECTION ON THE OTHER PARTY OR PARTIES

1. Serve the objection on the other party.

The other party must be notified of the objection immediately. Serve the papers by mailing them to the other party by regular, first class mail.

What you need:

- 1 Copy of FOC 78 (with any attachments) - for the other party
- 2 Copies of FOC 78- for proof of service
- Any additional copies of FOC 78 (with any attachments) - for other custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren).

Mail 1 copy with attachments to the other party. If there is a custodian or guardian, mail 1 copy and the attachments to them also. Fill out the Certificate of Mailing on the front of the remaining 3 copies.

2. Return to the county clerk.

Once you have mailed the objection and filled out the certificate of mailing, return to the county clerk's office with 2 copies. Keep the other copy for your own records.

3. Attend the hearing.

The other party will schedule a hearing to settle the order. You will be notified of the hearing date. You must attend the hearing.

INFORMATION ABOUT ATTENDING THE HEARING

Bring your copy of the proposed order. Also bring all supporting papers and any witnesses who are willing to testify.

1. Since you are representing yourself, you are expected to conduct yourself as an attorney would and to follow the same general rules an attorney would.
2. Make a list of information you think is important for the judge to know. The information should relate to the reasons stated in your objection. Use this list to bring up important points.
3. If you need to order someone to attend this hearing, follow the procedure in Michigan Court Rule 2.506 or consult with an attorney.
4. Go to the judge's courtroom on the scheduled day and time. Dress neatly. Get there 10 or 15 minutes early. Be prepared to spend most of the morning or afternoon in court. Bring any witnesses with you.
5. Go into the courtroom and tell the clerk (sitting near the judge's bench) your name, you are there for a hearing, and you are representing yourself. Don't interrupt any hearing in progress. Take a seat in the back of the courtroom and wait for your case to be called.
6. When you are called, go to the podium and clearly state the following:
 - 1) your name
 - 2) you are representing yourself
 - 3) you are objecting to a proposed order
 - 4) the facts or reasons for your objection (**bring any supporting papers with you**)
 - 5) whether you have witnesses in court who are willing to testify

Answer the judge's questions clearly and directly. If the judge wants to hear from the other witnesses, ask them to tell the court what they saw or know regarding your situation.

7. If the other party is in court, he or she will have a chance to speak also. When the other party talks take notes. Don't interrupt the other party. After the other party speaks, you will have another chance to talk. Taking notes will help you with this.
8. After the judge makes a decision, the other party is responsible for preparing the order (using the instructions for form FOC 53 or FOC 54) even if it is not what was asked for.

INSTRUCTIONS FOR COMPLETING "OBJECTION TO PROPOSED ORDER"

Use this form if you are a party to an action and you have received notice to enter a proposed order (Form FOC 54) that you disagree with. By completing this form and filing it with the court, you are asking for a hearing to settle the matter. You must fill out this form and file it with the county clerk within 7 days after you receive a copy of the notice (Form FOC 54).

Please print neatly. After filling in the form, you will need to make at least 5 copies.

All items must be completed before your objection can be filed with the court. Please read the instructions for each item. Then fill in the correct information for that item.

- Copy the "Case No." from the Notice (Form FOC 54) onto this form.
- See the court papers mentioned above to fill in the "Plaintiff" and "Defendant" boxes and if applicable the "Third Party" box. Copy your names from these court papers on this form. For example, if your name is in the box that says "plaintiff", then you should write your name in the "plaintiff" box on this form.
- You are the "objecting party". Once you have written both names where they belong, you must check the box "objecting party" in the same box as your name.
- Write in the date the notice (Form FOC 54) was signed. The date will be at the bottom of the notice.
- Explain in as much detail as possible why you disagree with the proposed order.
- Write in today's date and sign your name.
- **Certificate of Mailing:** Read page 3 for details on mailing this form to the other party. On the date you mail 1 copy to the other party, write in the date and sign your name on the remaining 3 copies.

Return to the county clerk with 2 copies. Read page 4 of this booklet for details.

You must read the direction on the legal process.